

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:11-cr-0053-SEB-KPF
)	
MICHAEL MILES,)	
)	- 01
Defendant.)	

REPORT AND RECOMMENDATION

On March 15, 2022, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on March 9, 2022. Defendant Miles appeared in person with his appointed counsel Joseph Cleary. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Angela Smith.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Miles of his rights and provided him with a copy of the petition. Defendant Miles orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant admitted violation number 3. [Docket No. 48.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 3 **“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”**

On March 29, 2021, Mr. Miles submitted a urine sample which tested positive for cocaine. On March 31, 2021, he admitted having used cocaine prior to the urinalysis.

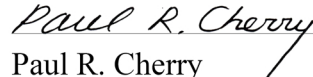
4. The parties stipulated that:
- (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant’s criminal history category is VI.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 24 months’ imprisonment.

5. The parties jointly recommended a sentence of ten (10) months with no supervised release to follow. The Defendant requested placement at FCI Oxford.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of ten (10) months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at FCI Oxford. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 3/17/2022


Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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